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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-191488

DATE: April 13, 1978

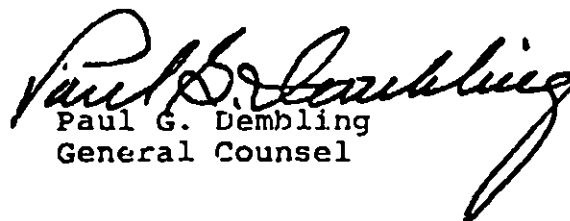
MATTER OF: Philadelphia Biologics Center

DIGEST:

Protest questioning propriety of specification first filed after closing date for receipt of initial proposals is untimely and will not be considered on its merits.

Philadelphia Biologics Center protests Request for Proposals (RFP) DLA 120-78-R-0685 issued by the Defense Logistics Agency, claiming that the specifications for a rebreathing bag for gas anesthesia apparatus are "restrictive and self defeating." The protester proposes specific deviations to the specifications contained in the RFP which it asserts will "improve the specifications of an important health care tool."

The protest was filed with this Office by telegram dated March 16, 1978, and we have ascertained that the closing date for the receipt of initial proposals was February 22, 1978. GAO bid protest procedures published in Title 4, Code of Federal Regulations (C.F.R.), provides that protests based upon alleged improprieties in a RFP which are apparent prior to the closing date for the receipt of initial proposals must be filed prior to that initial closing date. 4 C.F.R. 20.2(b)(1) (1977). Since this protest questions the propriety of the specifications in the RFP, it is untimely inasmuch as it was filed after the closing date set for the receipt of initial proposals. Consequently, the protest will not be considered by this Office on its merits. The Entwistle Company, B-189946, September 7, 1977, 77-2 CPD 181.


Paul G. Dembling
General Counsel